

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NANI LOVE BUCKINGHAM f/n/a  
BRIAN P. BUCKINGHAM,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, *et al.*,

Defendants.

Case No. C25-701-RSM-DWC

ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Plaintiff Nani Love Buckingham’s Motion for Temporary Restraining Order (“TRO”), Dkt #2. This case was filed on April 14, 2025, and referred to Magistrate Judge David W. Christel. Judge Christel promptly handled several important initial issues with the case, granting Plaintiff’s application to proceed in forma pauperis and motion for appointment of counsel. *See* Dkts. #8 and 13. Judge Christel also directed service of the Complaint, Dkt. #14, resulting in a Response to the TRO filed on April 30, 2025, Dkt. #21.

Given the timing component of this (and every) TRO request, the undersigned has determined that a ruling should issue as soon as possible, even though Plaintiff’s counsel has

1 yet to appear. The Court finds that it can rule on the existing briefing, and that a reply brief is  
2 not permitted under the local rules. LCR 65(b)(5).

3 Typically, a party requesting a TRO must show: (1) a likelihood of success on the  
4 merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary  
5 relief; (3) that a balance of equities tips in the favor of the moving party; and (4) that an  
6 injunction is in the public interest. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20,  
7 129 S. Ct. 365, 172 L. Ed. 2d 249 (2008). The Ninth Circuit employs a “sliding scale”  
8 approach, according to which these elements are balanced, “so that a stronger showing of one  
9 element may offset a weaker showing of another.” *Alliance for the Wild Rockies v. Cottrell*,  
10 632 F.3d 1127, 1131 (9th Cir. 2011). However, the moving party must still make at least some  
11 showing that there is a likelihood of irreparable injury and that the injunction is in the public  
12 interest. *Id.* at 1135.

15 This is a § 1983 case brought by a prisoner alleging, *inter alia*, violations of the Eighth  
16 Amendment through “deliberate indifference to my serious medical need.” Dkt. #9 at 9.  
17 Plaintiff Buckingham has been housed at the Federal Detention Center in SeaTac since 2020  
18 and is serving a 252-month sentence. *See* Dkt. #23 at 2. Plaintiff alleges she is a transgender  
19 female living “fully as female in [prison] since 2022... staff and inmates treat me as female.”  
20 Dkt. #9 at 9–10. She has been medically transitioning with hormone replacement therapy since  
21 2023 and considers herself “post transition.” *Id.* at 10. However, she also reports being  
22 diagnosed with severe gender dysphoria. Buckingham states that she has had three suicide  
23 attempts, over thirty suicide risk assessment crisis interventions in prison, and two incidents of  
24 self-mutilation. *Id.*

1 Plaintiff Buckingham has not yet been approved for gender-affirming surgery while in  
2 prison, and this seems to be the crux of the matter. She has had “urges to perform self surgery  
3 to remove my genitalia” and feels “like I am being tortured every day by the pain this is  
4 causing me.” *Id.* Her requested relief in this TRO is for the Court to order Defendants to  
5 “within 2 weeks schedule an appointment for Plaintiff with a gender affirming surgical  
6 specialist” and within 2 weeks of receiving the specialist’s recommendation, schedule plaintiff  
7 for the earliest available opening for the recommended surgery, if any is recommended,” along  
8 with laser facial hair removal and several other smaller requests. *See* Dkt. #2 at 2.

10 Plaintiff attaches exhibits showing that she has threatened “self-castration,” but also that  
11 she reported she was “not harming myself today or tomorrow,” Dkt. #5 at 3, and that she has  
12 been having suicidal thoughts “as she sees a loss of progress towards her gender transition”  
13 because “surgery has been delayed and may be cancelled due to EO,” *id.* at 5. “EO,” as is clear  
14 from the briefing, refers to Executive Order 14168, “Defending Women from Gender Ideology  
15 Extremism and Restoring Biological Truth to the Federal Government.” *See* Dkt. #23  
16 (“Caughill Decl.”), ¶ 8; Dkt. #23-5. Defendants attach the March 4, 2025, ruling from Warden  
17 A. Cooper specifically telling Plaintiff that her request for surgical treatment has been “denied”  
18 citing the above executive order. Dkt. #23-5. On March 26, 2025, a similar decision was  
19 handed down denying her request for female undergarments, grooming items, and bras, with a  
20 citation to the same Executive Order. Dkt. #21 at 5; Dkt. #23-6.

24 Defendants argue in their Response that Buckingham has not been denied any currently  
25 prescribed care, is still receiving hormone replacement therapy, and that no BOP medical  
26 professional has determined that additional procedures are imminently necessary. Defendants  
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1 contend Buckingham is attempting to improperly use a TRO to seek a judgment on the merits  
2 rather than to preserve the status quo:

3 A TRO should be restricted to preserving the status quo.” *E. Bay*  
4 *Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir. 2018)  
5 (quoting *Granny Goose Foods, Inc. v. Bd. of Teamsters & Auto*  
6 *Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974)) (cleaned  
7 up). But it is Buckingham that seeks to upend the status quo  
8 through the requested relief. While Buckingham asks the Court for  
9 an order “resuming” the gender dysphoria treatment, that treatment  
10 was never halted. Buckingham continues to receive medically  
11 appropriate hormone therapy for someone diagnosed with gender  
12 dysphoria and is currently pending for review and scheduling. *See*  
13 *Rutledge Decl.*, ¶¶ 8, 9; *Caughill Decl.*, ¶ 6. What Buckingham  
14 actually seeks is a new course of treatment—one that has not been  
15 approved by any medical professional. In fact, Buckingham asks  
the Court to order BOP to schedule a surgical consultation, and  
presupposing the third-party surgeon will recommend surgery,  
requests that the Court also require BOP to schedule the surgery.  
Thus, Buckingham asks this Court to find, without expert opinions  
or even a medical record from a surgeon who performs the  
requested surgeries, that surgery is appropriate and necessary and  
must be performed. This is not preservation of the status quo.

16 Dkt. #21 at 7. Defendants argue that Buckingham has failed to exhaust her administrative  
17 remedies. Defendants state that Buckingham is awaiting transfer to a more appropriate  
18 detention center and as such is currently classified as a “temporarily housed holdover inmate.”  
19 *Id.* at 5 (citing *Caughill Decl.* at ¶ 5).

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21 Defendants attach a declaration of a BOP doctor located in Victorville, California. Dkt.  
22 #22. This person has reviewed Plaintiff’s medical file and states “[t]here are currently no  
23 indications or findings of imminent harm, severity, or suicidal ideation” and “[n]or is there any  
24 urgent need for any medical procedures in my medical opinion.” *Id.* at 4.

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26 The Court has no idea why Defendants selected a doctor in Victorville to provide a  
27 medical opinion on Plaintiff located in SeaTac, and finds the medical opinion cursory and  
28 uninformed. The Court further notes that Defendants say on the one hand that Plaintiff has

1 failed to exhaust her administrative remedies because she has failed to file an appeal to BOP's  
2 general counsel, but on the other hand admit she has filed an appeal to BOP's general counsel  
3 that was rejected as premature. *See* Dkt. #21 at 6. Defendants admit that "another court found  
4 a narrow exception to the exhaustion requirement based on similar facts." *Id.* at 12 (citing *Doe*  
5 *v. McHenry*, 2025 WL 388218 (D.D.C. Feb. 4, 2025)).

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7 Despite the apparent weaknesses with Defendants' position, the Court nevertheless  
8 finds that the TRO as drafted cannot be granted for at least two reasons—first, because Plaintiff  
9 seeks relief beyond preservation of the status quo without adequate briefing, and second  
10 because Plaintiff has failed to demonstrate a likelihood of irreparable harm in the absence of  
11 this preliminary relief. As to the first point, the Court finds that Plaintiff has failed to  
12 demonstrate, through medical evidence, that the only way to avoid self-harm in the immediate  
13 future (*i.e.*, to preserve the status quo) is for Defendants to provide gender-affirming surgery.  
14 To order Defendants to take such an action at the outset of a case is an extraordinary remedy  
15 and requires much more than what has been provided. Second, and relatedly, Plaintiff has  
16 failed to show a likelihood of irreparable harm if she does not get the requested relief right  
17 now, immediately.<sup>1</sup> She has been suffering from gender dysphoria for many years and is  
18 receiving treatment. Although Plaintiff has had several suicide attempts, there does not appear  
19 to be an imminent mental health emergency. Even if the Court were to grant the requested  
20 relief, the surgery would not happen for several weeks. Although Plaintiff's current situation is  
21 serious, the record shows she has managed to navigate her situation with the aid of medical  
22 staff at FDC SeaTac.

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28 <sup>1</sup> The Court finds that Plaintiff has also failed to demonstrate a likelihood of irreparable harm for not receiving all  
relief other than gender-affirming surgery (requests for female undergarments, grooming items, bras, etc.).

1 Given the above, the Court need not address a likelihood of success on the merits. This  
2 Order does not intend to comment on the substantive merits of this case, which is still at an  
3 early stage.

4 Accordingly, having considered the briefing and the remainder of the record, the Court  
5 hereby finds and ORDERS that Plaintiff's Motion for Temporary Restraining Order, Dkt #2, is  
6 DENIED. The Court notes that there are many open questions in this case, both factual and  
7 legal. Some of these questions can hopefully be answered with the aid of Plaintiff's  
8 forthcoming legal counsel. The Court takes Plaintiff's allegations seriously, and urges the  
9 parties to proceed in this case with respect and urgency.  
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13 DATED this 2<sup>nd</sup> day of May, 2025.

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16 RICARDO S. MARTINEZ  
17 UNITED STATES DISTRICT JUDGE  
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